IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No. 1357 of 2006.

The State of Maharashtra. .. Applicant.

vs

Baswant Shankar Nimbalkar & ors. ..

respondents.

Ms P H Kantharia, Addl P.P.for the applicant.

None for the respondents.

CORAM:V.G.PALSHIKAR, Acg, C.J.&
SMT. NISHITA MHATRE J.

DATE:AUGUST 30, 2006.

P.C.:-

Heard the learned Addl. Public Prosecutor on merits of the application for leave to appeal. The order of acquittal is well reasoned order. The evidence is properly appreciated. The learned Judge has found that only two eye witnesses have been examined and both of them were interested witnesses. The fact that several other persons witnessed the incident is undisputed. Their non-examination, according to the learned Judge, was unexplained. The order of acquittal in such circumstances cannot be faulted with. Hence application for leave rejected.

Application is accordingly disposed of.